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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

17156

FILE: B-199388

DATE: February 26, 1981

MATTER OF: Earle B. Amey -- [Claim for Temporary  
Quarters Subsistence Expenses]

**DIGEST:**

Employee, who transferred to new duty station, occupied temporary quarters and was joined by his family during second 10-day period of temporary quarters at new station. He claims reimbursement for them based upon higher rate applicable during first 10-day period. Claim is denied since regulations governing temporary quarters provide for reimbursement based on 10-day periods beginning when either employee or a family member first occupies temporary quarters, irrespective of when other family members begin to occupy temporary quarters.

The issue in this case is whether, incident to a transfer, an employee who preceded his family may claim reimbursement for his family for temporary quarters subsistence expenses at the rate for the first 10-day period when the family begins occupying temporary quarters during the second 10-day period of his occupancy. We hold that the employee is limited to the rate applicable for each 10-day period of temporary quarters occupancy, irrespective of when his family members begin occupying temporary quarters.

Mr. Lorin D. Anderson, Chief, Branch of Finance, Bureau of Mines, U.S. Department of the Interior, has requested our decision concerning the claim of Mr. Earle B. Amey, an employee of the Bureau of Mines, for additional reimbursement for temporary quarters subsistence expenses in connection with his transfer from Boulder City, Nevada, to Washington, D.C. Mr. Amey preceded his family to the new duty station and he was reimbursed for 10 days of temporary quarters subsistence expenses at the rate applicable

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for the first 10-day period. This payment is not in dispute. During the second 10-day period Mr. Amey was joined at the new duty station by his two children and later by his wife, and he was reimbursed at the lower rate applicable for the second 10-day period. Mr. Amey agrees that an employee is limited to 30 consecutive days of temporary quarters, but he argues that the rate of reimbursement does not correspond to the consecutive day rule. That is, he argues that when his children and his wife joined him for the second 10-day period he should be reimbursed for them at the first 10-day rate.

Under the provisions of 5 U.S.C. § 5724a(a)(3) (1976) employees who are transferred may be reimbursed for the subsistence expenses of the employee and his immediate family for a period of 30 days while occupying temporary quarters. This statute clearly states that reimbursement for subsistence expenses actually incurred may not exceed the maximum per diem rates for the first 10 days of the period, two-thirds of the rates for the second 10 days, and one-half of the rates for the third 10 days.

The implementing regulations contained in the Federal Travel Regulations (FTR) (FPMR 101-7 May 1973), provide that the period for temporary quarters runs for not more than 30 consecutive days. FTR 2-5.2a. These regulations provide further in para. 2-5.2f as follows:

"Computation of 30 or 60 days allowable.  
In computing the length of time allowed for temporary quarters at Government expense under the 30- or 60-day limitations specified herein, such time will begin for the employee and all members of his immediate family when either the employee or any member of the immediate family begins the period of use of such quarters for which a claim for reimbursement is made and the time shall run concurrently. The employee may occupy temporary quarters at one location while

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members of the immediate family occupy quarters at another location. The period of eligibility shall terminate when the employee or any member of his immediate family occupies permanent residence quarters or when the allowable time limit expires, whichever occurs first."

We have held in interpreting this regulation that the 30-day period runs concurrently for all family members. B-174695, January 24, 1972. Therefore, the remaining question is whether the declining rate of reimbursement also runs concurrently for all family members.

Paragraph 2-5.4c of the FTR sets for the rules on computing the maximum allowable amount for temporary quarters reimbursement as follows:

"Computation of maximum. The amount which may be reimbursed for temporary quarters subsistence expenses shall be the lesser of either the actual amount of allowable expense incurred for each 10-day period or the amount computed as follows:

(1) For the first 10 days.

(a) For the employee, a daily rate not in excess of 75 percent of the maximum statutory per diem rate for the locality in which temporary quarters are located; and

(b) For each member of the employee's immediate family, two-thirds of the daily rate established in (a), above.

(2) For the second 10 days.

(a) For the employee, two-thirds of the daily rate established in 2-5.4c(1)(a); and

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(b) For each member of the employee's immediate family, two-thirds of the daily rate established in 2-5.4c(1)(b).

(3) For the third 10 days and for any portion of an authorized additional 30 day period.

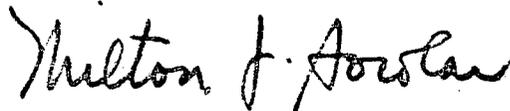
(a) For the employee, one-half of the daily rate established in 2-5.4c(1)(a); and

(b) For each member of his immediate family, one-half of the daily rate established in 2-5.4c(1)(b). \* \* \*

It is our view that this regulation requires reimbursement computed on the basis of three 10-day periods irrespective of whether the employee claims reimbursement for members of his immediate family during those periods. If, as in this case, the employee does not claim temporary quarters reimbursement for his spouse or children until the second 10-day period, the rate of reimbursement must be limited to that provided for the second 10-day period as set forth in FTR para. 2-5.4c(2)(b).

Although this may appear to create a hardship for those employees who travel to a new station in advance of their families, we point out that employees have the option of delaying the starting date of their claim for temporary quarters until their families join them at the new duty station, provided they comply with the time limitations set forth in the FTR, para. 2-5.2e. See Ronald H. Brown, B-193412, August 3, 1979, and B-177842, March 27, 1973.

Accordingly, Mr. Amey's claim for additional reimbursement for temporary quarters subsistence expenses is denied.



For the Comptroller General  
of the United States